

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

4/21/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-20
ITEM DESCRIPTION: Supplement to IBM Development Agreement: TH 52 Reconstruction Project Agreement		PREPARED BY: R. Freese <i>RF</i>
<p>IBM and the City entered into a Development Agreement on April 24, 2000 that provide for, among other things, the conveyance of IBM land to the City for public right-of-way needed for the construction of the TH 52 West Frontage Road (WFR) from 37th Street NW southerly to IBM's south property line.</p> <p>Over the past three years many details related to the proposed frontage road right-of-way requirements and construction impacts on the IBM property have been addressed and resolved through a series on many meetings between IBM, the City and MnDOT.</p> <p>MnDOT has agreed to give the City "credit" towards its TH 52 Project Cost Obligations for the value of the land conveyed by IBM to the City. However, MnDOT expects to receive from the City this right-of-way free and clear of any encumbrances or utility relocation expenses.</p> <p>At this time, IBM and the City wish to formalize the conveyance of the property and other conditions related to potential utility relocations and related costs. IBM representatives and Public Works staff have agreed to the following conditions:</p> <ol style="list-style-type: none">1. IBM agrees to dedicate right-of-way for use in the construction of the TH 52 WFR and further agrees to grant temporary easements to facilitate the construction of the WFR, and2. City shall minimize the impact on IBM's existing infrastructure and the infrastructure of utility providers servicing IBM, and3. City shall be responsible for all costs related to providing temporary and permanent utility service to IBM during the WFR project, and4. City agrees to restore all areas disturbed by the WFR construction, and5. City agrees to connect the discharge pipe from the IBM storm water pond to the City's storm sewer system constructed as a part of the WFR project, and6. City agrees to grant to IBM a permanent easement for the bridge over the WFR to 37th Street NW and a temporary construction and maintenance easement over that area, and7. City agrees to convey back to IBM a 12-foot wide portion of WFR right-of-way adjacent to the new IBM Park road, and8. IBM agrees to grant to City a 10-foot wide easement for maintenance of a retaining wall to be constructed between the WFR and the IBM Park road, and9. City shall grant to IBM access permits to the WFR as specified in the Agreement. <p>This TH 52 Reconstruction Project Agreement supplements the previously executed Development Agreement between the parties.</p> <p>IBM has agreed to execute the Agreement and convey the TH 52 WFR right-of-way to the City.</p> <p>Public Works staff recommends the City Council authorize the Mayor and City Clerk execute the Agreement.</p> <p>COUNCIL ACTION REQUESTED:</p> <p>Authorize the Mayor and City Clerk to execute the TH 52 Reconstruction Agreement with IBM.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

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